

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY JUNE 16, 2005

AMENDED IN SENATE APRIL 4, 2005

**SENATE BILL**

**No. 500**

**Introduced by Senator Kuehl**

(Principal coauthor: Assembly Member Evans)

February 18, 2005

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~~An act to amend Section 1502 of the Health and Safety Code, and~~  
*An act to amend Sections 300, 362.1, 11400, and 11401 11401, and*  
*11465 of, and to add Sections 11463.7 and Section 16501.25 to, the*  
Welfare and Institutions Code, relating to foster care, and making an  
appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 500, as amended, Kuehl. AFDC-FC: pregnant and parenting  
foster youth.

Under existing law, a child may come within the jurisdiction of the  
juvenile court and become a dependent child of the court, in, among  
others, cases of abuse or neglect, or failure of a parent or guardian to  
adequately supervise or protect the child. Existing law declares that a  
parent's or guardian's physical disability is only relevant to a court's  
determination to the extent that the parent's disability prevents him or  
her from exercising care or control.

This bill would additionally declare that a child whose parent has  
been adjudged a dependent child of the court shall not be considered  
to be at risk of abuse or neglect solely because of the age, dependent  
status, or foster care status of the parent.

Existing law provides that any order placing a child in foster care,  
and ordering reunification services, shall provide for visitation

between the parent or guardian and any siblings and child, with certain exceptions.

This bill would provide, if the child is a teen parent who has custody of his or her child and that child is not a dependent of the court, for visitation among the teen parent, the child's noncustodial parent, and appropriate family members unless the court finds by clear and convincing evidence that visitation would be detrimental to the teen parent.

~~Existing law, the California Community Care Facilities Act, regulates the licensure and operation of community care facilities, which include facilities that provide residential care for foster children. Violation of the provisions regulating community care facilities is a crime.~~

~~This bill would include a whole family foster home within the definition of a community care facility. The bill would define a whole family foster home as a family home or certified family home that provides foster care to a minor parent and his or her child, and that is recruited and trained to assist the minor parent in developing necessary parenting skills. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

This bill would require a shared responsibility plan to be developed *between the teen parent, caregiver, and other county or state representatives, as appropriate*, for the care of the child of a teen parent when the *child of a teen parent is not* under the jurisdiction of the dependency court ~~and but is in the full or partial physical custody of the teen parent who is living in an out-of-home placement in a whole family foster home, as defined~~. The bill would set forth the areas to be covered by the plan, including feeding, clothing, transportation, and child care responsibilities. *To the extent this requirement would impose additional duties on counties, this bill would impose a state-mandated local program.*

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Under existing law, federal financial participation is available for certain children who have been adjudged dependent children or wards of the court, or who have been detained under a court order.

This bill would additionally authorize federal financial participation for a dependent child of the court whose parent is also a dependent child *or ward* of the court who is receiving AFDC-FC benefits, if the parent and child are placed in the same foster care facility and are receiving reunification services, ~~and the child is determined to be eligible for federal financial participation. The bill would require the State Department of Social Services, with the advice, assistance, and cooperation of the counties and foster care providers, to develop, implement, and maintain a ratesetting system under the AFDC-FC program for whole family foster homes certified by foster family agencies.~~ By creating a new category for AFDC-FC eligibility, and thereby increasing county administration duties for the AFDC-FC program; by expanding AFDC-FC eligibility, the bill would impose a state-mandated local program.

Because General Fund moneys are continuously appropriated for purposes of the AFDC-FC program, by expanding AFDC-FC eligibility, the bill would constitute an appropriation.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. ~~Section 1502 of the Health and Safety Code is amended to read:~~

~~1502. As used in this chapter:~~

(a) ~~“Community care facility” means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:~~

(1) ~~“Residential facility” means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.~~

(2) ~~“Adult day program” means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.~~

(3) ~~“Therapeutic day services facility” means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.~~

(4) ~~“Foster family agency” means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.~~

(5) ~~“Foster family home” means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent~~

1 or parents, including their family, in whose care the foster  
2 children have been placed. The placement may be by a public or  
3 private child placement agency or by a court order, or by  
4 voluntary placement by a parent, parents, or guardian. It also  
5 means a foster family home described in Section 1505.2.

6 (6) “Small family home” means any residential facility, in the  
7 licensee’s family residence, that provides 24-hour care for six or  
8 fewer foster children who have mental disorders or  
9 developmental or physical disabilities and who require special  
10 care and supervision as a result of their disabilities. A small  
11 family home may accept children with special health care needs,  
12 pursuant to subdivision (a) of Section 17710 of the Welfare and  
13 Institutions Code. In addition to placing children with special  
14 health care needs, the department may approve placement of  
15 children without special health care needs, up to the licensed  
16 capacity.

17 (7) “Social rehabilitation facility” means any residential  
18 facility that provides social rehabilitation services for no longer  
19 than 18 months in a group setting to adults recovering from  
20 mental illness who temporarily need assistance, guidance, or  
21 counseling. Program components shall be subject to program  
22 standards pursuant to Article 1 (commencing with Section 5670)  
23 of Chapter 2.5 of Part 2 of Division 5 of the Welfare and  
24 Institutions Code.

25 (8) “Community treatment facility” means any residential  
26 facility that provides mental health treatment services to children  
27 in a group setting and that has the capacity to provide secure  
28 containment. Program components shall be subject to program  
29 standards developed and enforced by the State Department of  
30 Mental Health pursuant to Section 4094 of the Welfare and  
31 Institutions Code.

32 Nothing in this section shall be construed to prohibit or  
33 discourage placement of persons who have mental or physical  
34 disabilities into any category of community care facility that  
35 meets the needs of the individual placed, if the placement is  
36 consistent with the licensing regulations of the department.

37 (9) “Full-service adoption agency” means any licensed entity  
38 engaged in the business of providing adoption services, that does  
39 all of the following:

~~(A) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.~~

~~(B) Assesses the birth parents, prospective adoptive parents, or child.~~

~~(C) Places children for adoption.~~

~~(D) Supervises adoptive placements.~~

~~Private full-service adoption agencies shall be organized and operated on a nonprofit basis.~~

~~(10) "Nonecustodial adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:~~

~~(A) Assesses the prospective adoptive parents.~~

~~(B) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.~~

~~(C) Cooperatively supervises adoptive placements with a full-service adoptive agency, but does not disrupt a placement or remove a child from a placement.~~

~~Private nonecustodial adoption agencies shall be organized and operated on a nonprofit basis.~~

~~(11) "Transitional shelter care facility" means any group care facility that provides for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Program components shall be subject to program standards developed by the State Department of Social Services pursuant to Section 1502.3.~~

~~(12) "Transitional housing placement facility" means a community care facility licensed by the department pursuant to Section 1559.110 to provide transitional housing opportunities to persons at least 17 years of age, and not more than 18 years of age unless the requirements of Section 11403 of the Welfare and Institutions Code are met, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.~~

~~(13) "Whole family foster home" means a family home or certified family home, as defined in Section 11400 of the Welfare~~

1 and Institutions Code, that provides foster care for a minor parent  
2 and his or her child, and is specifically recruited and trained to  
3 assist the minor parent in developing the skills necessary to  
4 provide a safe, stable, and permanent home for his or her child.  
5 The child of the minor parent need not be the subject of a petition  
6 filed pursuant to Section 300 of the Welfare and Institutions  
7 Code to qualify for placement in a whole family foster home.

8 (b) “Department” or “state department” means the State  
9 Department of Social Services.

10 (c) “Director” means the Director of Social Services.

11 SEC. 2. Section 300 of the Welfare and Institutions Code, as  
12 amended by Section 3 of Chapter 824 of the Statutes of 2000, is  
13 amended to read:

14 300. Any child who comes within any of the following  
15 descriptions is within the jurisdiction of the juvenile court which  
16 may adjudge that person to be a dependent child of the court:

17 (a) The child has suffered, or there is a substantial risk that the  
18 child will suffer, serious physical harm inflicted nonaccidentally  
19 upon the child by the child’s parent or guardian. For the purposes  
20 of this subdivision, a court may find there is a substantial risk of  
21 serious future injury based on the manner in which a less serious  
22 injury was inflicted, a history of repeated inflictions of injuries  
23 on the child or the child’s siblings, or a combination of these and  
24 other actions by the parent or guardian which indicate the child is  
25 at risk of serious physical harm. For purposes of this subdivision,  
26 “serious physical harm” does not include reasonable and  
27 age-appropriate spanking to the buttocks where there is no  
28 evidence of serious physical injury.

29 (b) The child has suffered, or there is a substantial risk that the  
30 child will suffer, serious physical harm or illness, as a result of  
31 the failure or inability of his or her parent or guardian to  
32 adequately supervise or protect the child, or the willful or  
33 negligent failure of the child’s parent or guardian to adequately  
34 supervise or protect the child from the conduct of the custodian  
35 with whom the child has been left, or by the willful or negligent  
36 failure of the parent or guardian to provide the child with  
37 adequate food, clothing, shelter, or medical treatment, or by the  
38 inability of the parent or guardian to provide regular care for the  
39 child due to the parent’s or guardian’s mental illness,  
40 developmental disability, or substance abuse. No child shall be

1 found to be a person described by this subdivision solely due to  
2 the lack of an emergency shelter for the family. Whenever it is  
3 alleged that a child comes within the jurisdiction of the court on  
4 the basis of the parent's or guardian's willful failure to provide  
5 adequate medical treatment or specific decision to provide  
6 spiritual treatment through prayer, the court shall give deference  
7 to the parent's or guardian's medical treatment, nontreatment, or  
8 spiritual treatment through prayer alone in accordance with the  
9 tenets and practices of a recognized church or religious  
10 denomination, by an accredited practitioner thereof, and shall not  
11 assume jurisdiction unless necessary to protect the child from  
12 suffering serious physical harm or illness. In making its  
13 determination, the court shall consider (1) the nature of the  
14 treatment proposed by the parent or guardian, (2) the risks to the  
15 child posed by the course of treatment or nontreatment proposed  
16 by the parent or guardian, (3) the risk, if any, of the course of  
17 treatment being proposed by the petitioning agency, and (4) the  
18 likely success of the courses of treatment or nontreatment  
19 proposed by the parent or guardian and agency. The child shall  
20 continue to be a dependent child pursuant to this subdivision only  
21 so long as is necessary to protect the child from risk of suffering  
22 serious physical harm or illness.

23 (e) The child is suffering serious emotional damage, or is at  
24 substantial risk of suffering serious emotional damage, evidenced  
25 by severe anxiety, depression, withdrawal, or untoward  
26 aggressive behavior toward self or others, as a result of the  
27 conduct of the parent or guardian or who has no parent or  
28 guardian capable of providing appropriate care. No child shall be  
29 found to be a person described by this subdivision if the willful  
30 failure of the parent or guardian to provide adequate mental  
31 health treatment is based on a sincerely held religious belief and  
32 if a less intrusive judicial intervention is available.

33 (d) The child has been sexually abused, or there is a  
34 substantial risk that the child will be sexually abused, as defined  
35 in Section 11165.1 of the Penal Code, by his or her parent or  
36 guardian or a member of his or her household, or the parent or  
37 guardian has failed to adequately protect the child from sexual  
38 abuse when the parent or guardian knew or reasonably should  
39 have known that the child was in danger of sexual abuse.



1 ~~(e) The child is under the age of five and has suffered severe~~  
2 ~~physical abuse by a parent, or by any person known by the~~  
3 ~~parent, if the parent knew or reasonably should have known that~~  
4 ~~the person was physically abusing the child. For the purposes of~~  
5 ~~this subdivision, “severe physical abuse” means any of the~~  
6 ~~following: any single act of abuse which causes physical trauma~~  
7 ~~of sufficient severity that, if left untreated, would cause~~  
8 ~~permanent physical disfigurement, permanent physical disability,~~  
9 ~~or death; any single act of sexual abuse which causes significant~~  
10 ~~bleeding, deep bruising, or significant external or internal~~  
11 ~~swelling; or more than one act of physical abuse, each of which~~  
12 ~~causes bleeding, deep bruising, significant external or internal~~  
13 ~~swelling, bone fracture, or unconsciousness; or the willful,~~  
14 ~~prolonged failure to provide adequate food. A child may not be~~  
15 ~~removed from the physical custody of his or her parent or~~  
16 ~~guardian on the basis of a finding of severe physical abuse unless~~  
17 ~~the social worker has made an allegation of severe physical abuse~~  
18 ~~pursuant to Section 332.~~

19 ~~(f) The child’s parent or guardian caused the death of another~~  
20 ~~child through abuse or neglect.~~

21 ~~(g) The child has been left without any provision for support;~~  
22 ~~physical custody of the child has been voluntarily surrendered~~  
23 ~~pursuant to Section 1255.7 of the Health and Safety Code and the~~  
24 ~~child has not been reclaimed within the 14-day period specified~~  
25 ~~in subdivision (e) of that section; the child’s parent has been~~  
26 ~~incarcerated or institutionalized and cannot arrange for the care~~  
27 ~~of the child; or a relative or other adult custodian with whom the~~  
28 ~~child resides or has been left is unwilling or unable to provide~~  
29 ~~care or support for the child, the whereabouts of the parent are~~  
30 ~~unknown, and reasonable efforts to locate the parent have been~~  
31 ~~unsuccessful.~~

32 ~~(h) The child has been freed for adoption by one or both~~  
33 ~~parents for 12 months by either relinquishment or termination of~~  
34 ~~parental rights or an adoption petition has not been granted.~~

35 ~~(i) The child has been subjected to an act or acts of cruelty by~~  
36 ~~the parent or guardian or a member of his or her household, or~~  
37 ~~the parent or guardian has failed to adequately protect the child~~  
38 ~~from an act or acts of cruelty when the parent or guardian knew~~  
39 ~~or reasonably should have known that the child was in danger of~~  
40 ~~being subjected to an act or acts of cruelty.~~

~~(j) The child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.~~

~~It is the intent of the Legislature that nothing in this section disrupt the family unnecessarily or intrude inappropriately into family life, prohibit the use of reasonable methods of parental discipline, or prescribe a particular method of parenting. Further, nothing in this section is intended to limit the offering of voluntary services to those families in need of assistance but who do not come within the descriptions of this section. To the extent that savings accrue to the state from child welfare services funding obtained as a result of the enactment of the act that enacted this section, those savings shall be used to promote services which support family maintenance and family reunification plans, such as client transportation, out-of-home respite care, parenting training, and the provision of temporary or emergency in-home caretakers and persons teaching and demonstrating homemaking skills. The Legislature further declares that a physical disability, such as blindness or deafness, is no bar to the raising of happy and well-adjusted children and that a court's determination pursuant to this section shall center upon whether a parent's disability prevents him or her from exercising care and control. The Legislature further declares that a child whose parent has been adjudged a dependent child of the court pursuant to this section shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.~~

~~As used in this section "guardian" means the legal guardian of the child.~~

~~(k) This section shall be repealed on January 1, 2006, unless a later enacted statute extends or deletes that date.~~

1     ~~SEC. 3.~~

2     ~~SECTION 1.~~ Section 300 of the Welfare and Institutions  
3 Code, as added by Section 3.5 of Chapter 824 of the Statutes of  
4 2000, is amended to read:

5     300. Any child who comes within any of the following  
6 descriptions is within the jurisdiction of the juvenile court which  
7 may adjudge that person to be a dependent child of the court:

8     (a) The child has suffered, or there is a substantial risk that the  
9 child will suffer, serious physical harm inflicted nonaccidentally  
10 upon the child by the child's parent or guardian. For the purposes  
11 of this subdivision, a court may find there is a substantial risk of  
12 serious future injury based on the manner in which a less serious  
13 injury was inflicted, a history of repeated inflictions of injuries  
14 on the child or the child's siblings, or a combination of these and  
15 other actions by the parent or guardian which indicate the child is  
16 at risk of serious physical harm. For purposes of this subdivision,  
17 "serious physical harm" does not include reasonable and  
18 age-appropriate spanking to the buttocks where there is no  
19 evidence of serious physical injury.

20     (b) The child has suffered, or there is a substantial risk that the  
21 child will suffer, serious physical harm or illness, as a result of  
22 the failure or inability of his or her parent or guardian to  
23 adequately supervise or protect the child, or the willful or  
24 negligent failure of the child's parent or guardian to adequately  
25 supervise or protect the child from the conduct of the custodian  
26 with whom the child has been left, or by the willful or negligent  
27 failure of the parent or guardian to provide the child with  
28 adequate food, clothing, shelter, or medical treatment, or by the  
29 inability of the parent or guardian to provide regular care for the  
30 child due to the parent's or guardian's mental illness,  
31 developmental disability, or substance abuse. No child shall be  
32 found to be a person described by this subdivision solely due to  
33 the lack of an emergency shelter for the family. Whenever it is  
34 alleged that a child comes within the jurisdiction of the court on  
35 the basis of the parent's or guardian's willful failure to provide  
36 adequate medical treatment or specific decision to provide  
37 spiritual treatment through prayer, the court shall give deference  
38 to the parent's or guardian's medical treatment, nontreatment, or  
39 spiritual treatment through prayer alone in accordance with the  
40 tenets and practices of a recognized church or religious

1 denomination, by an accredited practitioner thereof, and shall not  
2 assume jurisdiction unless necessary to protect the child from  
3 suffering serious physical harm or illness. In making its  
4 determination, the court shall consider (1) the nature of the  
5 treatment proposed by the parent or guardian, (2) the risks to the  
6 child posed by the course of treatment or nontreatment proposed  
7 by the parent or guardian, (3) the risk, if any, of the course of  
8 treatment being proposed by the petitioning agency, and (4) the  
9 likely success of the courses of treatment or nontreatment  
10 proposed by the parent or guardian and agency. The child shall  
11 continue to be a dependent child pursuant to this subdivision only  
12 so long as is necessary to protect the child from risk of suffering  
13 serious physical harm or illness.

14 (c) The child is suffering serious emotional damage, or is at  
15 substantial risk of suffering serious emotional damage, evidenced  
16 by severe anxiety, depression, withdrawal, or untoward  
17 aggressive behavior toward self or others, as a result of the  
18 conduct of the parent or guardian or who has no parent or  
19 guardian capable of providing appropriate care. No child shall be  
20 found to be a person described by this subdivision if the willful  
21 failure of the parent or guardian to provide adequate mental  
22 health treatment is based on a sincerely held religious belief and  
23 if a less intrusive judicial intervention is available.

24 (d) The child has been sexually abused, or there is a  
25 substantial risk that the child will be sexually abused, as defined  
26 in Section 11165.1 of the Penal Code, by his or her parent or  
27 guardian or a member of his or her household, or the parent or  
28 guardian has failed to adequately protect the child from sexual  
29 abuse when the parent or guardian knew or reasonably should  
30 have known that the child was in danger of sexual abuse.

31 (e) The child is under the age of five and has suffered severe  
32 physical abuse by a parent, or by any person known by the  
33 parent, if the parent knew or reasonably should have known that  
34 the person was physically abusing the child. For the purposes of  
35 this subdivision, “severe physical abuse” means any of the  
36 following: any single act of abuse which causes physical trauma  
37 of sufficient severity that, if left untreated, would cause  
38 permanent physical disfigurement, permanent physical disability,  
39 or death; any single act of sexual abuse which causes significant  
40 bleeding, deep bruising, or significant external or internal

1 swelling; or more than one act of physical abuse, each of which  
2 causes bleeding, deep bruising, significant external or internal  
3 swelling, bone fracture, or unconsciousness; or the willful,  
4 prolonged failure to provide adequate food. A child may not be  
5 removed from the physical custody of his or her parent or  
6 guardian on the basis of a finding of severe physical abuse unless  
7 the social worker has made an allegation of severe physical abuse  
8 pursuant to Section 332.

9 (f) The child's parent or guardian caused the death of another  
10 child through abuse or neglect.

11 (g) The child has been left without any provision for support;  
12 the child's parent has been incarcerated or institutionalized and  
13 cannot arrange for the care of the child; or a relative or other  
14 adult custodian with whom the child resides or has been left is  
15 unwilling or unable to provide care or support for the child, the  
16 whereabouts of the parent are unknown, and reasonable efforts to  
17 locate the parent have been unsuccessful.

18 (h) The child has been freed for adoption by one or both  
19 parents for 12 months by either relinquishment or termination of  
20 parental rights or an adoption petition has not been granted.

21 (i) The child has been subjected to an act or acts of cruelty by  
22 the parent or guardian or a member of his or her household, or  
23 the parent or guardian has failed to adequately protect the child  
24 from an act or acts of cruelty when the parent or guardian knew  
25 or reasonably should have known that the child was in danger of  
26 being subjected to an act or acts of cruelty.

27 (j) The child's sibling has been abused or neglected, as defined  
28 in subdivision (a), (b), (d), (e), or (i), and there is a substantial  
29 risk that the child will be abused or neglected, as defined in those  
30 subdivisions. The court shall consider the circumstances  
31 surrounding the abuse or neglect of the sibling, the age and  
32 gender of each child, the nature of the abuse or neglect of the  
33 sibling, the mental condition of the parent or guardian, and any  
34 other factors the court considers probative in determining  
35 whether there is a substantial risk to the child.

36 It is the intent of the Legislature that nothing in this section  
37 disrupt the family unnecessarily or intrude inappropriately into  
38 family life, prohibit the use of reasonable methods of parental  
39 discipline, or prescribe a particular method of parenting. Further,  
40 nothing in this section is intended to limit the offering of

1 voluntary services to those families in need of assistance but who  
2 do not come within the descriptions of this section. To the extent  
3 that savings accrue to the state from child welfare services  
4 funding obtained as a result of the enactment of the act that  
5 enacted this section, those savings shall be used to promote  
6 services which support family maintenance and family  
7 reunification plans, such as client transportation, out-of-home  
8 respite care, parenting training, and the provision of temporary or  
9 emergency in-home caretakers and persons teaching and  
10 demonstrating homemaking skills. The Legislature further  
11 declares that a physical disability, such as blindness or deafness,  
12 is no bar to the raising of happy and well-adjusted children and  
13 that a court's determination pursuant to this section shall center  
14 upon whether a parent's disability prevents him or her from  
15 exercising care and control. The Legislature further declares that  
16 a child whose parent has been adjudged a dependent child of the  
17 court pursuant to this section shall not be considered to be at risk  
18 of abuse or neglect solely because of the age, dependent status, or  
19 foster care status of the parent.

20 As used in this section, "guardian" means the legal guardian of  
21 the child.

22 ~~SEC. 4.~~

23 *SEC. 2.* Section 362.1 of the Welfare and Institutions Code is  
24 amended to read:

25 362.1. (a) In order to maintain ties between the parent or  
26 guardian and any siblings and the child, and to provide  
27 information relevant to deciding if, and when, to return a child to  
28 the custody of his or her parent or guardian, or to encourage or  
29 suspend sibling interaction, any order placing a child in foster  
30 care, and ordering reunification services, shall provide as  
31 follows:

32 (1) (A) Subject to subparagraph (B), for visitation between  
33 the parent or guardian and the child. Visitation shall be as  
34 frequent as possible, consistent with the well-being of the child.

35 (B) No visitation order shall jeopardize the safety of the child.  
36 To protect the safety of the child, the court may keep the child's  
37 address confidential. If the parent of the child has been convicted  
38 of murder in the first degree, as defined in Section 189 of the  
39 Penal Code, and the victim of the murder was the other parent of  
40 the child, the court shall order visitation between the child and

1 the parent only if that order would be consistent with Section  
2 3030 of the Family Code.

3 (2) Pursuant to subdivision (b) of Section 16002, for visitation  
4 between the child and any siblings, unless the court finds by clear  
5 and convincing evidence that sibling interaction is detrimental to  
6 either child.

7 (3) If the child is a teen parent who has custody of his or her  
8 child and that child is not a dependent of the court pursuant to  
9 this chapter, for visitation among the teen parent, the child's  
10 noncustodial parent, and appropriate family members, unless the  
11 court finds by clear and convincing evidence that visitation  
12 would be detrimental to the teen parent.

13 (b) When reunification services are not ordered pursuant to  
14 Section 361.5, the child's plan for legal permanency shall include  
15 consideration of the existence of and the relationship with any  
16 sibling pursuant to Section 16002, including their impact on  
17 placement and visitation.

18 (c) As used in this section, "sibling" means a child related to  
19 another person by blood, adoption, or affinity through a common  
20 legal or biological parent.

21 ~~SEC. 5.~~

22 *SEC. 3.* Section 11400 of the Welfare and Institutions Code,  
23 as amended by Section 6 of Chapter 664 of the Statutes of 2004,  
24 is amended to read:

25 11400. For the purposes of this article, the following  
26 definitions shall apply:

27 (a) "Aid to Families with Dependent Children-Foster Care  
28 (AFDC-FC)" means the aid provided on behalf of needy children  
29 in foster care under the terms of this division.

30 (b) "Case plan" means a written document that, at a minimum,  
31 specifies the type of home in which the child shall be placed, the  
32 safety of that home, and the appropriateness of that home to meet  
33 the child's needs. It shall also include the agency's plan for  
34 ensuring that the child receive proper care and protection in a  
35 safe environment, and shall set forth the appropriate services to  
36 be provided to the child, the child's family, and the foster  
37 parents, in order to meet the child's needs while in foster care,  
38 and to reunify the child with the child's family. In addition, the  
39 plan shall specify the services that will be provided or steps that

1 will be taken to facilitate an alternate permanent plan if  
2 reunification is not possible.

3 (c) “Certified family home” means a family residence certified  
4 by a licensed foster family agency and issued a certificate of  
5 approval by that agency as meeting licensing standards, and used  
6 only by that foster family agency for placements.

7 (d) “Family home” means the family residency of a licensee in  
8 which 24-hour care and supervision are provided for children.

9 (e) “Small family home” means any residential facility, in the  
10 licensee’s family residence, which provides 24-hour care for six  
11 or fewer foster children who have mental disorders or  
12 developmental or physical disabilities and who require special  
13 care and supervision as a result of their disabilities.

14 (f) “Foster care” means the 24-hour out-of-home care provided  
15 to children whose own families are unable or unwilling to care  
16 for them, and who are in need of temporary or long-term  
17 substitute parenting.

18 (g) “Foster family agency” means any individual or  
19 organization engaged in the recruiting, certifying, and training of,  
20 and providing professional support to, foster parents, or in  
21 finding homes or other places for placement of children for  
22 temporary or permanent care who require that level of care as an  
23 alternative to a group home. Private foster family agencies shall  
24 be organized and operated on a nonprofit basis.

25 (h) “Group home” means a nondetention privately operated  
26 residential home, organized and operated on a nonprofit basis  
27 only, of any capacity, that provides services in a group setting to  
28 children in need of care and supervision, as required by  
29 paragraph (1) of subdivision (a) of Section 1502 of the Health  
30 and Safety Code.

31 (i) “Periodic review” means review of a child’s status by the  
32 juvenile court or by an administrative review panel, that shall  
33 include a consideration of the safety of the child, a determination  
34 of the continuing need for placement in foster care, evaluation of  
35 the goals for the placement and the progress toward meeting  
36 these goals, and development of a target date for the child’s  
37 return home or establishment of alternative permanent  
38 placement.

39 (j) “Permanency planning hearing” means a hearing conducted  
40 by the juvenile court in which the child’s future status, including



1 whether the child shall be returned home or another permanent  
2 plan shall be developed, is determined.

3 (k) “Placement and care” refers to the responsibility for the  
4 welfare of a child vested in an agency or organization by virtue  
5 of the agency or organization having (1) been delegated care,  
6 custody, and control of a child by the juvenile court, (2) taken  
7 responsibility, pursuant to a relinquishment or termination of  
8 parental rights on a child, (3) taken the responsibility of  
9 supervising a child detained by the juvenile court pursuant to  
10 Section 319 or 636, or (4) signed a voluntary placement  
11 agreement for the child’s placement; or to the responsibility  
12 designated to an individual by virtue of his or her being  
13 appointed the child’s legal guardian.

14 (l) “Preplacement preventive services” means services that are  
15 designed to help children remain with their families by  
16 preventing or eliminating the need for removal.

17 (m) “Relative” means an adult who is related to the child by  
18 blood, adoption, or affinity within the fifth degree of kinship,  
19 including stepparents, stepsiblings, and all relatives whose status  
20 is preceded by the words “great,” “great-great,” or “grand” or the  
21 spouse of any of these persons even if the marriage was  
22 terminated by death or dissolution.

23 (n) “Nonrelative extended family member” means an adult  
24 caregiver who has an established familial or mentoring  
25 relationship with the child, as described in Section 362.7.

26 (o) “Voluntary placement” means an out-of-home placement  
27 of a child by (1) the county welfare department after the parents  
28 or guardians have requested the assistance of the county welfare  
29 department and have signed a voluntary placement agreement; or  
30 (2) the county welfare department licensed public or private  
31 adoption agency, or the department acting as an adoption agency,  
32 after the parents have requested the assistance of either the  
33 county welfare department, the licensed public or private  
34 adoption agency, or the department acting as an adoption agency  
35 for the purpose of adoption planning, and have signed a  
36 voluntary placement agreement.

37 (p) “Voluntary placement agreement” means a written  
38 agreement between either the county welfare department, a  
39 licensed public or private adoption agency, or the department

1 acting as an adoption agency, and the parents or guardians of a  
2 child that specifies, at a minimum, the following:

3 (1) The legal status of the child.

4 (2) The rights and obligations of the parents or guardians, the  
5 child, and the agency in which the child is placed.

6 (q) “Original placement date” means the most recent date on  
7 which the court detained a child and ordered an agency to be  
8 responsible for supervising the child or the date on which an  
9 agency assumed responsibility for a child due to termination of  
10 parental rights, relinquishment, or voluntary placement.

11 (r) “Transitional housing placement facility” means either of  
12 the following:

13 (1) A community care facility licensed by the State  
14 Department of Social Services pursuant to Section 1559.110 of  
15 the Health and Safety Code to provide transitional housing  
16 opportunities to persons at least 16 years of age, and not more  
17 than 18 years of age unless they satisfy the requirements of  
18 Section 11403, who are in out-of-home placement under the  
19 supervision of the county department of social services or the  
20 county probation department, and who are participating in an  
21 independent living program.

22 (2) A facility certified to provide transitional housing services  
23 pursuant to subdivision (e) of Section 1559.110 of the Health and  
24 Safety Code.

25 (s) “Transitional housing placement program” means a  
26 program that provides supervised housing opportunities to  
27 eligible youth pursuant to Article 4 (commencing with Section  
28 16522) of Chapter 5 of Part 4.

29 (t) “Crisis nursery” means a facility licensed to provide  
30 short-term, 24-hour nonmedical residential care and supervision  
31 for children under six years of age who are either voluntarily  
32 placed for temporary care by a parent or legal guardian due to a  
33 family crisis or stressful situation for no more than 30 days or,  
34 except as provided in subdivision (e) of Section 1516 of the  
35 Health and Safety Code, who are temporarily placed by a county  
36 child welfare service agency for no more than 14 days.

37 (u) “Whole family foster home” means a family home,  
38 *approved relative caregiver or nonrelative extended family*  
39 *member’s home*, or certified family home that provides foster  
40 care for a minor parent and his or her child, and is specifically

1 recruited and trained to assist the minor parent in developing the  
2 skills necessary to provide a safe, stable, and permanent home for  
3 his or her child. The child of the minor parent need not be the  
4 subject of a petition filed pursuant to Section 300 to qualify for  
5 placement in a whole family foster home.

6 (v) This section shall remain in effect only until January 1,  
7 2008, and as of that date is repealed, unless a later enacted  
8 statute, that is enacted before January 1, 2008, deletes or extends  
9 that date.

10 ~~SEC. 6.~~

11 *SEC. 4.* Section 11400 of the Welfare and Institutions Code,  
12 as added by Section 7 of Chapter 664 of the Statutes of 2004, is  
13 amended to read:

14 11400. For the purposes of this article, the following  
15 definitions shall apply:

16 (a) “Aid to Families with Dependent Children-Foster Care  
17 (AFDC-FC)” means the aid provided on behalf of needy children  
18 in foster care under the terms of this division.

19 (b) “Case plan” means a written document that, at a minimum,  
20 specifies the type of home in which the child shall be placed, the  
21 safety of that home, and the appropriateness of that home to meet  
22 the child’s needs. It shall also include the agency’s plan for  
23 ensuring that the child receive proper care and protection in a  
24 safe environment, and shall set forth the appropriate services to  
25 be provided to the child, the child’s family, and the foster  
26 parents, in order to meet the child’s needs while in foster care,  
27 and to reunify the child with the child’s family. In addition, the  
28 plan shall specify the services that will be provided or steps that  
29 will be taken to facilitate an alternate permanent plan if  
30 reunification is not possible.

31 (c) “Certified family home” means a family residence certified  
32 by a licensed foster family agency and issued a certificate of  
33 approval by that agency as meeting licensing standards, and used  
34 only by that foster family agency for placements.

35 (d) “Family home” means the family residency of a licensee in  
36 which 24-hour care and supervision are provided for children.

37 (e) “Small family home” means any residential facility, in the  
38 licensee’s family residence, which provides 24-hour care for six  
39 or fewer foster children who have mental disorders or

1 developmental or physical disabilities and who require special  
2 care and supervision as a result of their disabilities.

3 (f) “Foster care” means the 24-hour out-of-home care provided  
4 to children whose own families are unable or unwilling to care  
5 for them, and who are in need of temporary or long-term  
6 substitute parenting.

7 (g) “Foster family agency” means any individual or  
8 organization engaged in the recruiting, certifying, and training of,  
9 and providing professional support to, foster parents, or in  
10 finding homes or other places for placement of children for  
11 temporary or permanent care who require that level of care as an  
12 alternative to a group home. Private foster family agencies shall  
13 be organized and operated on a nonprofit basis.

14 (h) “Group home” means a nondetention privately operated  
15 residential home, organized and operated on a nonprofit basis  
16 only, of any capacity, that provides services in a group setting to  
17 children in need of care and supervision, as required by  
18 paragraph (1) of subdivision (a) of Section 1502 of the Health  
19 and Safety Code.

20 (i) “Periodic review” means review of a child’s status by the  
21 juvenile court or by an administrative review panel, that shall  
22 include a consideration of the safety of the child, a determination  
23 of the continuing need for placement in foster care, evaluation of  
24 the goals for the placement and the progress toward meeting  
25 these goals, and development of a target date for the child’s  
26 return home or establishment of alternative permanent  
27 placement.

28 (j) “Permanency planning hearing” means a hearing conducted  
29 by the juvenile court in which the child’s future status, including  
30 whether the child shall be returned home or another permanent  
31 plan shall be developed, is determined.

32 (k) “Placement and care” refers to the responsibility for the  
33 welfare of a child vested in an agency or organization by virtue  
34 of the agency or organization having (1) been delegated care,  
35 custody, and control of a child by the juvenile court, (2) taken  
36 responsibility, pursuant to a relinquishment or termination of  
37 parental rights on a child, (3) taken the responsibility of  
38 supervising a child detained by the juvenile court pursuant to  
39 Section 319 or 636, or (4) signed a voluntary placement  
40 agreement for the child’s placement; or to the responsibility

1 designated to an individual by virtue of his or her being  
2 appointed the child's legal guardian.

3 (l) "Preplacement preventive services" means services that are  
4 designed to help children remain with their families by  
5 preventing or eliminating the need for removal.

6 (m) "Relative" means an adult who is related to the child by  
7 blood, adoption, or affinity within the fifth degree of kinship,  
8 including stepparents, stepsiblings, and all relatives whose status  
9 is preceded by the words "great," "great-great," or "grand" or the  
10 spouse of any of these persons even if the marriage was  
11 terminated by death or dissolution.

12 (n) "Nonrelative extended family member" means an adult  
13 caregiver who has an established familial or mentoring  
14 relationship with the child, as described in Section 362.7.

15 (o) "Voluntary placement" means an out-of-home placement  
16 of a child by (1) the county welfare department after the parents  
17 or guardians have requested the assistance of the county welfare  
18 department and have signed a voluntary placement agreement; or  
19 (2) the county welfare department licensed public or private  
20 adoption agency, or the department acting as an adoption agency,  
21 after the parents have requested the assistance of either the  
22 county welfare department, the licensed public or private  
23 adoption agency, or the department acting as an adoption agency  
24 for the purpose of adoption planning, and have signed a  
25 voluntary placement agreement.

26 (p) "Voluntary placement agreement" means a written  
27 agreement between either the county welfare department, a  
28 licensed public or private adoption agency, or the department  
29 acting as an adoption agency, and the parents or guardians of a  
30 child that specifies, at a minimum, the following:

31 (1) The legal status of the child.

32 (2) The rights and obligations of the parents or guardians, the  
33 child, and the agency in which the child is placed.

34 (q) "Original placement date" means the most recent date on  
35 which the court detained a child and ordered an agency to be  
36 responsible for supervising the child or the date on which an  
37 agency assumed responsibility for a child due to termination of  
38 parental rights, relinquishment, or voluntary placement.

39 (r) "Transitional housing placement facility" means either of  
40 the following:

(1) A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years of age, and not more than 18 years of age unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(2) A facility certified to provide transitional housing services pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code.

(s) “Transitional housing placement program” means a program that provides supervised housing opportunities to eligible youth pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4.

(t) “Whole family foster home” means a family home, *approved relative caregiver or nonrelative extended family member’s home*, or certified family home that provides foster care for a minor parent and his or her child, and is specifically recruited and trained to assist the minor parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home.

(u) This section shall become operative on January 1, 2008.

~~SEC. 7.~~

*SEC. 5.* Section 11401 of the Welfare and Institutions Code is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under the age of 18 years, except as provided in Section 11403, who meets the conditions of subdivision (a), (b), (c), (d), (e), (f), or (g):

(a) The child has been relinquished, for purposes of adoption, to a licensed adoption agency, or the department, or the parental rights of either or both of his or her parents have been terminated after an action under the Family Code has been brought by a licensed adoption agency or the department, provided that the licensed adoption agency or the department, if responsible for

1 placement and care, provides to those children all services as  
2 required by the department to children in foster care.

3 (b) The child has been removed from the physical custody of  
4 his or her parent, relative, or guardian as a result of a voluntary  
5 placement agreement or a judicial determination that continuance  
6 in the home would be contrary to the child's welfare and that, if  
7 the child was placed in foster care, reasonable efforts were made,  
8 consistent with Chapter 5 (commencing with Section 16500) of  
9 Part 4, to prevent or eliminate the need for removal of the child  
10 from his or her home and to make it possible for the child to  
11 return to his or her home, and any of the following applies:

12 (1) The child has been adjudged a dependent child of the court  
13 on the grounds that he or she is a person described by Section  
14 300.

15 (2) The child has been adjudged a ward of the court on the  
16 grounds that he or she is a person described by Sections 601 and  
17 602.

18 (3) The child has been detained under a court order, pursuant  
19 to Section 319 or 636, that remains in effect.

20 (4) The child's dependency jurisdiction has resumed pursuant  
21 to Section 387.

22 (c) The child has been voluntarily placed by his or her parent  
23 or guardian pursuant to Section 11401.1.

24 (d) The child is living in the home of a nonrelated legal  
25 guardian.

26 (e) The child has been placed in foster care under the federal  
27 Indian Child Welfare Act. Sections 11402, 11404, and 11405  
28 shall not be construed as limiting payments to Indian children, as  
29 defined in the federal Indian Child Welfare Act, placed in  
30 accordance with that act.

31 (f) To be eligible for federal financial participation, either of  
32 the following conditions shall be satisfied:

33 (1) (A) The child meets the conditions of subdivision (b).

34 (B) The child has been deprived of parental support or care for  
35 any of the reasons set forth in Section 11250.

36 (C) The child has been removed from the home of a relative as  
37 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal  
38 Regulations, as amended.

39 (D) The requirements of Sections 671 and 672 of Title 42 of  
40 the United States Code, as amended, have been met.

1 (2) (A) The child meets the requirements of subdivision (g).

2 (B) The requirements of Sections 671 and 672 of Title 42 of  
3 the United States Code, as amended, have been met.

4 (C) *This paragraph shall be implemented only if federal*  
5 *financial participation is available for the children described in*  
6 *this paragraph.*

7 (g) The child meets all of the following conditions:

8 (1) The child has been adjudged to be a *dependent child or*  
9 *ward of the court on the ground that he or she is a person*  
10 *described in Section 300 or Section 602.*

11 (2) The child's parent also has been adjudged to be a  
12 dependent child of the court on the ~~ground~~ *grounds* that he or she  
13 is a person described by Section 300 and is receiving benefits  
14 under this chapter.

15 (3) The child is placed in the same licensed or approved foster  
16 care facility in which his or her parent is placed and the child's  
17 parent is receiving reunification services with respect to that  
18 child.

19 ~~SEC. 8. Section 11463.7 is added to the Welfare and~~  
20 ~~Institutions Code, to read:~~

21 ~~11463.7. (a) The department, with the advice, assistance, and~~  
22 ~~cooperation of the counties and foster care providers, shall~~  
23 ~~develop, implement, and maintain a ratesetting system for whole~~  
24 ~~family foster homes certified by foster family agencies.~~

25 ~~(b) The ratesetting system for whole family foster homes shall~~  
26 ~~be based on the ratesetting system for foster family agencies~~  
27 ~~established pursuant to Section 11463, but shall take into account~~  
28 ~~the unique structure, purpose, and services provided by whole~~  
29 ~~family foster homes.~~

30 ~~(c) The rates paid to whole family foster homes shall be~~  
31 ~~adjusted on the same percentage basis as the rates paid to other~~  
32 ~~certified foster family agency homes whenever adjustments are~~  
33 ~~made pursuant to subdivision (c) of Section 11463 or the annual~~  
34 ~~Budget Act.~~

35 ~~SEC. 9. Section 16501.25 is added to the Welfare and~~  
36 ~~Institutions Code, to read:~~

37 ~~16501.25. (a) For purposes of this section, "teen parent"~~  
38 ~~means a child under the jurisdiction of the dependency court,~~  
39 ~~living in out-of-home placement in a home that is licensed~~



1 pursuant to paragraph (13) of subdivision (a) of Section 1502 of  
2 the Health and Safety Code, who is a parent.

3 ~~(b) When the child of a teen parent is not subject to the~~  
4 ~~jurisdiction of the dependency court but is in the full or partial~~  
5 ~~physical custody of the teen parent, a written shared~~  
6 ~~responsibility plan shall be developed. The plan shall be~~  
7 ~~developed with the teen parent, any individuals identified by the~~  
8 ~~teen parent, the other parent of the child when appropriate, other~~  
9 ~~extended family members, the caregiver, and a representative of~~  
10 ~~the agency providing direct and immediate supervision to the~~  
11 ~~caregiver.~~

12 ~~(c) The plan shall be designed to preserve and strengthen the~~  
13 ~~teen parent family unit, as described in Section 16002.5, to assist~~  
14 ~~the teen parent in meeting the goals outlined in Section 16002.5,~~  
15 ~~to facilitate a supportive home environment for the teen parent~~  
16 ~~and the child and to ultimately enable the teen parent to~~  
17 ~~independently provide a safe, stable, and permanent home for the~~  
18 ~~child. The plan shall in no way limit the teen parent's legal right~~  
19 ~~to make decisions regarding the care, custody, and control of the~~  
20 ~~child.~~

21 ~~(d) The plan shall be written for the express purpose of aiding~~  
22 ~~the teen parent and the caregiver to reach agreements aimed at~~  
23 ~~reducing conflict and misunderstandings. The plan shall outline,~~  
24 ~~with as much specificity as is practicable, the duties, rights, and~~  
25 ~~responsibilities of both the teen parent and the caregiver with~~  
26 ~~regard to the child, and identify supportive services to be offered~~  
27 ~~to the teen parent by the caregiver or the foster family agency, or~~  
28 ~~both. The plan shall be updated, as needed, to account for the~~  
29 ~~changing needs of infants and toddlers, and in accordance with~~  
30 ~~the teen parent's changing school, employment, or other outside~~  
31 ~~responsibilities.~~

32 ~~(e) Areas to be addressed by the plan include, but are not~~  
33 ~~limited to, all of the following:~~

34 ~~(1) Feeding.~~

35 ~~(2) Clothing.~~

36 ~~(3) Hygiene.~~

37 ~~(4) Purchase of necessary items, including, but not limited to,~~  
38 ~~safety items, food, clothing, and developmentally appropriate~~  
39 ~~toys and books. This includes both one-time purchases and items~~  
40 ~~needed on an ongoing basis.~~

1 ~~(5) Health care.~~

2 ~~(6) Transportation to health care appointments and child care.~~

3 ~~(7) Provision of child care and babysitting.~~

4 ~~(8) Discipline.~~

5 ~~(9) Sleeping arrangements.~~

6 ~~(10) Visits among the child, his or her noncustodial parent,~~  
7 ~~and other appropriate family members, including the~~  
8 ~~responsibilities of the teen parent, the caregiver, and the foster~~  
9 ~~family agency, as appropriate, for facilitating the visitation. The~~  
10 ~~shared responsibility plan shall not conflict with the teen parent's~~  
11 ~~ease plan and any visitation orders made by the court. If the teen~~  
12 ~~parent's child also is a dependent of the juvenile court, the~~  
13 ~~visitation shall not conflict with the child's ease plan and~~  
14 ~~visitation orders made by the court.~~

15 ~~SEC. 10. No reimbursement is required by this act pursuant~~  
16 ~~to Section 6 of Article XIII B of the California Constitution for~~  
17 ~~certain costs that may be incurred by a local agency or school~~  
18 ~~district because, in that regard, this act creates a new crime or~~  
19 ~~infraction, eliminates a crime or infraction, or changes the~~  
20 ~~penalty for a crime or infraction, within the meaning of Section~~  
21 ~~17556 of the Government Code, or changes the definition of a~~  
22 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
23 ~~California Constitution.~~

24 ~~However, if the Commission on State Mandates determines~~  
25 ~~that this act contains other costs mandated by the state,~~  
26 ~~reimbursement to local agencies and school districts for those~~  
27 ~~costs shall be made pursuant to Part 7 (commencing with Section~~  
28 ~~17500) of Division 4 of Title 2 of the Government Code.~~

29 *SEC. 6. Section 11465 of the Welfare and Institutions Code is*  
30 *amended to read:*

31 11465. (a) When a child is living with a parent who receives  
32 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on  
33 behalf of the parent shall include an amount for care and  
34 supervision of the child.

35 (b) For each category of eligible licensed community care  
36 facility, as defined in Section 1502 of the Health and Safety  
37 Code, the department shall adopt regulations setting forth a  
38 uniform rate to cover the cost of care and supervision of the child  
39 in each category of eligible licensed community care facility.

(c) (1) On and after July 1, 1998, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 6 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(2) (A) On and after July 1, 1999, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate, subject to further adjustment pursuant to paragraph (B).

(B) In addition to the adjustment specified in subparagraph (A), on and after January 1, 2000, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(3) Subject to the availability of funds, for the 2000–01 fiscal year and annually thereafter, these rates shall be adjusted for cost of living pursuant to procedures in Section 11453.

*(d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the payment made pursuant to this section for care and supervision of a child who is living with a teen parent in a whole family foster home, as defined in subdivision (u) of Section 11400, shall equal the basic rate for children placed in a licensed or approved home as specified in subdivisions (a) to (d), inclusive, of Section 11461.*

*(2) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan has been completed and provided to the appropriate agencies, the payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month to reflect the increased mentoring to be provided to the teen parent while he or she is placed in the whole family foster home.*

*(3) In any year in which the payment provided pursuant to this section is adjusted for the cost of living as provided in paragraph (1) of subdivision (c), the payments provided for in this subdivision shall also be increased by the same procedures.*

1 SEC. 7. Section 16501.25 is added to the Welfare and  
2 Institutions Code, to read:

3 16501.25. (a) For the purposes of this section, “teen parent”  
4 means a child who has been adjudged to be a dependent child or  
5 ward of the court on the grounds that he or she is a person  
6 described under Section 300 or Section 602, living in  
7 out-of-home placement in a whole family foster home, as defined  
8 in subdivision (u) of Section 11400, who is a parent.

9 (b) (1) When the child of a teen parent is not subject to the  
10 jurisdiction of the dependency court but is in the full or partial  
11 physical custody of the teen parent, a written shared  
12 responsibility plan shall be developed. The plan shall be  
13 developed between the teen parent, caregiver, and a  
14 representative of the county child welfare agency or probation  
15 department, and in the case of a certified home, a representative  
16 of the agency providing direct and immediate supervision to the  
17 caregiver. Additional input may be provided by any individuals  
18 identified by the teen parent, the other parent of the child, if  
19 appropriate, and other extended family members. The plan shall  
20 be developed as soon as is practicably possible. However, if one  
21 or more of the above stakeholders are not available to  
22 participate in the creation of the plan within the first 30 days of  
23 the teen parent’s placement, the teen parent and caregiver may  
24 enter into a plan for the purposes of fulfilling the requirements of  
25 paragraph (2) of subdivision (d) of Section 11465, which may be  
26 modified at a later time when the other individuals become  
27 available.

28 (2) The plan shall be designed to preserve and strengthen the  
29 teen parent family unit, as described in Section 16002.5, to assist  
30 the teen parent in meeting the goals outlined in Section 16002.5,  
31 to facilitate a supportive home environment for the teen parent  
32 and the child, and to ultimately enable the teen parent to  
33 independently provide a safe, stable, and permanent home for the  
34 child. The plan shall in no way limit the teen parent’s legal right  
35 to make decisions regarding the care, custody, and control of the  
36 child.

37 (3) The plan shall be written for the express purpose of aiding  
38 the teen parent and the caregiver to reach agreements aimed at  
39 reducing conflict and misunderstandings. The plan shall outline,  
40 with as much specificity as is practicable, the duties, rights, and

responsibilities of both the teen parent and the caregiver with regard to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

- (A) Feeding.
- (B) Clothing.
- (C) Hygiene.
- (D) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.
- (E) Health care.
- (F) Transportation to health care appointments, child care, and school, as appropriate.
- (G) Provision of child care and babysitting.
- (H) Discipline.
- (I) Sleeping arrangements.
- (J) Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court.

(c) Upon completion of the shared responsibility plan and any subsequent updates to the plan, a copy shall be provided to the teen parent and his or her attorney, the caregiver, the county child welfare agency or probation department and, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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